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UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

MEMORANDUM

DATE: December 14, 2005
TO: Honorable Frederic Block
Senior U.S. District Judge
RE: Wayne Andrew Heber
05 CR 872
Violation of Release Conditions

The defendant is the subject of a pending case before Your Honor relative to his indictment on November 21, 2005. The defendant was arrested on October 21, 2005 and charged with Conspiracy to Import Cocaine. On October 22, 2005, the defendant appeared before U.S. Magistrate Judge Cheryl L. Pollak and a permanent order of detention was issued. On November 15, 2005, the defendant appeared before U.S. Magistrate Judge Kiyo A. Matsumoto and the defendant was released on a \$300,000 bond secured by two properties and co-signed by six sureties. In addition, the following release conditions were imposed:

- surrender all travel documents and do not apply for a new one
- random home and employment visits
- home detention with electronic monitoring except for court appearances, attorney visits, medical emergencies, and work at his wife's flower shop from 10 a.m. to 7:30 p.m.
- maintain residence with his mother-in-law at 1133 East 39th Street, Brooklyn, New York


We are now writing to advise Your Honor that the defendant has violated his condition of home detention. Specifically, on December 3, 2005 at 6:11 a.m., Mr. Heber left his residence without permission and has not returned home. This officer contacted the defendant's wife, Nicole Harris, who advised that on December 3, 2005, she woke up and discovered her husband was missing. She informed that she does not know his whereabouts and has advised defense counsel Uzmah Saghir.

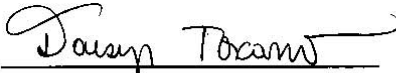
A criminal record check was conducted and did not reveal any new arrest.

In light of the defendant's clear violation of his release conditions, Pretrial Services respectfully requests that a warrant be issued for the defendant's arrest. Pretrial Services has spoken to AUSA Jason Jones who advises that he agrees with this recommendation. We have also contacted defense counsel in regard to this matter.

If the court determines that this request is appropriate, an order is attached for Your Honor's signature.

If Your Honor has any questions, please contact U.S. Pretrial Services Officer Anna Chu at 718-260-2346.

Prepared by: 
Anna Chu
U.S. Pretrial Services Officer

Approved by: 
Daisy Toscano
Supervising Pretrial Services Officer

RE: Heber, Wayne Andrew
Docket Number: 05 CR 872

It is the Order of the Court that:

✓ A bench warrant be issued.

 Other: _____

So Ordered,

✓ _____
Honorable Frederic Block
Senior U.S. District Judge

12.15.05
Date

cc: Defense Counsel Uzmah Saghir
AUSA Jason Jones
